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Total Number of Pages in This Submission

Application Number	10/718,770
Filing Date	November 21, 2003
First Named Inventor	Charles L. Branch, et al.
Art Unit	3738
Examiner Name	Christopher D. Prone
Attorney Docket Number	MSDI-220/PC740.00

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	October 31, 2006	Reg. No.	45,431

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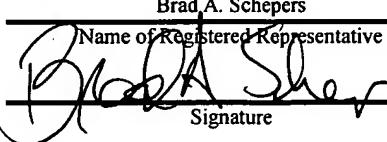
In re patent application of:) Before the Examiner:
Charles L. Branch, Jr.) Christopher D. Prone
)
Application Serial No. 10/718,770) Group Art Unit 3738
)
Filed November 21, 2003) Ref. No. MSDI-220/
) PC740.00
)
EXPANDABLE SPINAL IMPLANT) October 31, 2006

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated July 31, 2006, please enter and consider the following remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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<hr/> October 31, 2006 <hr/> Date of Signature	

INTRODUCTORY COMMENTS

Claims 1-60 are pending in the subject application. Claims 23, 26, 27 and 50-60 have been withdrawn from consideration. The remaining claims 1-22, 24, 25 and 28-49 currently stand rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.